PAY EQUITY

EQUALITY AT WORK

MANITOBA
PAY EQUITY CONSULTATIONS

Executive Summary

MARCH 1990

Manitoba
Labour
Pay Equity
Bureau

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Introduction

In November of 1988 the Manitoba government held pay equity consultations to discuss the key issues involved in developing workable implementation models for the sectors not covered by The Pay Equity Act. The objective was to gain a better understanding of the profiles of these sectors.

The focus of the government's consultations was to seek input from those key employee and employer groups that might be involved in any future implementation efforts, namely the bargaining agents and employers in school divisions, municipalities, the health care facilities not named in the legislation and the private sector. Key women's organizations and the Equal Pay Coalition of Manitoba were also included, as the process would have been incomplete without their contribution. As well, human resource management organizations were invited to comment from their perspective as practitioners. Ninety-seven groups were invited to participate.

The parties were invited by the Minister responsible for The Pay Equity Act to participate in the consultation process and were provided with a discussion paper and information package on pay equity.

Fifteen meetings were held in Winnipeg during mid-December 1988 and early January 1989. The meetings were organized on the basis of sector, and divided into separate meetings of employer and employee representatives. A total of 61 groups participated in the meetings.

At the meetings the organizations were encouraged to submit written responses. These responses are summarized in this report, following the format contained in the discussion paper. The participation of all the parties throughout this process is greatly appreciated, particularly given the very short timeframe within which they were asked to respond.

This Executive Summary is also available in French.

For the purpose of readability and simplicity many of the organizations' names have been abbreviated as follows:

ASANTE	Assiniboine South Association of Non-Teaching Employees
CAIMAW	Canadian Association of Industrial Mechanical and Allied Workers
CFIB	Canadian Federation of Independent Business
CMA	The Canadian Manufacturers' Association/Manitoba Division
CORC	The Charter of Rights Coalition (Manitoba)
CUPE	Canadian Union of Public Employees
EPCM	Equal Pay Coalition of Manitoba
HRMAM	Human Resource Management Association of Manitoba
IBEW	International Brotherhood of Electrical Workers Local 2034
MACSW	Manitoba Advisory Council on the Status of Women
MANTE	Manitoba Association of Non-Teaching Employees
MASBO	Manitoba Association of School Business Officials Inc.
MASS	Manitoba Association of School Superintendents Inc.
MAST	The Manitoba Association of School Trustees
MCCA	Manitoba Child Care Association
MCHCU	Manitoba Council of Health Care Unions
MCOC	The Manitoba Chamber of Commerce
MFI	Manitoba Fashion Institute Inc.
MFL	Manitoba Federation of Labour
MHA	Manitoba Hotel Association
MHO	Manitoba Health Organizations Incorporated
MMAA	Manitoba Municipal Administrators' Association
MONA	Manitoba Organization of Nurses' Association and Winnipeg Civic Nurses' Association MONA Local 1*
RELTA	River East Library Technicians' Association
SEIU	Service Employees' International Union
WANTE	Winnipeg Association of Non-Teaching Employees
WCOC	The Winnipeg Chamber of Commerce

*now known as the Manitoba Nurses' Union

The Concept of Pay Equity

Since the turn of the century, women have consistently been paid about two-thirds of men's salaries. Despite the dramatic increase in the number of women working in the paid labour force and many other advances over the past 25 years, the wage gap has narrowed little.

Pay equity addresses one aspect of the wage gap, that of gender-based wage discrimination. Pay equity means equal pay for work of equal value. It is based on the principle that wages should be based on the value of the job, regardless of whether it is being performed by a woman or a man.

Pay equity goes beyond the idea of equal pay for equal work. It recognizes that different jobs in the same establishment may have equal or comparable value to the employer, and therefore deserve equal or comparable pay.

Historically, work traditionally done by women has been undervalued and underpaid. Pay equity addresses this by comparing jobs that are predominantly done by women with those predominantly done by men. The skill, effort, responsibility and working conditions of the jobs are evaluated and compared. If any female-dominated jobs in a workplace are found to be of equal or comparable value to male-dominated ones, then the employees in those female-dominated jobs are entitled to receive pay equity wage adjustments.

Pay equity can only address a portion of the wage gap. If women are to achieve economic equality, it needs to be accompanied by other measures, such as affirmative action, adequate child care and equal pay for equal work. Nonetheless, it has been demonstrated that pay equity can close a significant part of the wage gap. For instance, at the end of the four-year wage adjustment period in the Manitoba Civil Service, pay equity implementation will close the gender wage gap by half .

The purpose of the consultation process was to identify and discuss the issues involved in developing workable pay equity implementation models in workplaces and sectors not covered by The Pay Equity Act.

Women's groups, labour organizations and the pay equity committees implementing voluntarily at the Seven Oaks and the Assiniboine South School Divisions all expressed support for the principle of pay equity.

Many of these organizations agreed with the MFL that pay equity is a measure that is "essential to eliminating the historic wage discrimination" that has kept women from achieving economic justice and equality. CORC argued that "one of the keys to compliance with the Equality sections of the Charter is the elimination of systemic discrimination against women" and the "implementation of pay equity in Manitoba was a recognition that systemic discrimination against women in the workforce did exist and could be addressed, in part, through pay equity".

Although these groups were unequivocal in their support for the concept of pay equity and its extension, many saw pay equity as just one of a number of measures needed to close the wage gap.

Initiatives such as comprehensive and effective affirmative action legislation in the public and private sectors; broadening the definition of non-traditional jobs to encompass all occupations where women do not comprise their proportion of the general population; affordable, universally accessible child care; flex-time; and protection and benefits for part-time, casual, domestic and agricultural workers are also needed if women are to achieve economic equality and fairness.

Several private sector employer organizations, such as the WCOC, HRMAM and CFIB stated they support the principles of fair pay and equal opportunities for women and men. The CFIB added that while "discrimination on the basis of gender is morally reprehensible," they stated that pay equity "legislation is the wrong approach to achieve the proper goal." A number of the employer groups indicated that they support equal pay for equal work, but not equal pay for work of equal value.

Most private sector employer organizations took the position that pay equity (some used the term comparable worth) is a flawed concept and process. This perspective is fundamental to many of their comments and responses. Many argued that the wage gap exists because of reasons other than discrimination. The MFI stated "there are legitimate reasons for some portion of this gap." It is socialization, the WCOC stated, that has prompted women to consciously choose occupations which: earn lower rates of pay (even in fields such as law women are more likely to choose family law, which pays less than corporate law); have more predictable hours; and allow "relative ease of job market entry and exit"--factors which are "complimentary with raising a family."

The CFIB stated that it could not "deny that some small degree of pay discrimination by gender still exists. However, tremendous gains have been made and the pace of improvement is accelerating ... women are acquiring greater skills, aspirations and job mobility, which translate through market factors to better economic well-being." Some groups, like the CMA, indicated that if discrimination were really found to exist, then it would be an issue for the human rights code.

Models of Implementation

Many of the women's and labour organizations that support pay equity said that the legislation must apply to all women in the workforce. These same groups also advocated a pro-active approach.

MACSW did not advocate "splitting" the model(s) whereby some employers would be required to implement pro-actively while others would be subject to a complaint-based approach. They felt this would "perpetuate inequity" between different groups of women. However, some groups did see a complaint mechanism being feasible as a monitoring and maintenance device.

Several organizations rejected the complaint-based model of implementation. CUPE commented that many examples of the problems associated with such a model already existed.

The CFIB expressed its concern that a ''pro-active approach assumes the employer is guilty until she or he is proven innocent.''

Legislation

Virtually all of the labour and women's organizations that responded supported the extension of pay equity through legislation. Most of these groups favoured modifications to the existing legislation.

Most of the private sector employer organizations opposed legislation as a ''vehicle of change". The MCOC felt that ''compulsion has no place in marketing comparable worth in our market economy''; instead education and encouragement were seen as the way to go. Many saw the wage gap as being caused by societal norms and not business discrimination. The CFIB, CMA, and HRMAM all stated that the monies designated for pay equity would be better used for education, counselling and training in non-traditional occupations. Many of these organizations also indicated that voluntary affirmative action would be a far more effective initiative in the long run by ''providing upward mobility'' for women.

The Seven Oaks Ad Hoc Advisory Committee on Pay Equity indicated that while it has adopted a voluntary, co-operative model, they support a pro-active model and the extension of pay equity legislation. WANTE and MANTE called for the extension of pay equity legislation to school divisions in order to address the ''significant gender-based wage differences'' that exist.

Several municipalities said that while they had "no quarrel with the principle", they wanted municipalitites to be exempted from pay equity legislation. The MMAA took the position that ''pay equity will probably have to be imposed and enforced by the province as far as most small municipalities (10 employees or less) are concerned.''

In the health care sector the two key organizations, MHO and MCHCU shared a concern about the disruption of provincial wage rates for certain health care workers (namely nurses and technicians) as a result of pay equity wage adjustments in only 23 of the facilitites. They advocated that the pay equity results for the 23 facilities under the Act be administratively extended to the remaining health care facilities.

The MCCA proposed pay equity legislation covering all women in the workforce that would be flexible enough to allow for "job matching" across organizations, thus providing male comparators for predominantly female workplaces, such as child care centres.

Contract Compliance

The MFL and CUPE took the position that any companies receiving government funding should be required to implement pay equity. As a result, both wanted the government to continue negotiating pay equity provisions into Development Agreements. MACSW agreed that contract compliance, as one approach, has been shown to be effective.

Collective Bargaining

The MFL felt that collective bargaining often could not effectively address the "gender-based wage gap" because it is restricted to individual bargaining units. The MFL saw pay equity legislation, which requires a single gender-neutral job evaluation system across all bargaining units and including non-unionized workers, as a more comprehensive approach to achieving pay equity.

Voluntary

Most private sector employer organizations, such as the WCOC and MCOC, expressed preference for voluntary pay equity implementation. Several women's and labour groups opposed a voluntary approach. For instance, MACSW indicated it did not believe voluntary implementation would be effective in achieving significant progress.

Scope

Many of the organizations that support pay equity took the position that legislation must apply to all women in the workforce, regardless of the size of the organization, the sector, or the level of unionization.

A number of private sector employer organizations, such as the CMA, MCOC and MFI expressed concerns about pay equity, "regardless whether the concept is applied in the public or private sector."

Timing

Most organizations supportive of pay equity favoured phasing-in or staggering implementation by sector. It was noted that staggering implementation might make it easier to administer and monitor.

Defining Establishment

Manitoba's legislation does not include a specific definition of establishment. Defining establishment involves determining which employers will be required to implement pay equity and the parameters of the organizations to be affected.

A number of organizations stressed that the definition should be flexible enough to recognize historical bargaining relationships and situations where workers are covered by a single collective agreement. Several other organizations, such as the MFL and EPCM, agreed that any definition of establishment should allow for multiple geographical areas. These groups also endorsed using the "corporate" definition of establishment proposed by the Equal Pay Coalition of Ontario.

Both MHO and MCHCU noted that the Act did not sufficiently take into account the circumstances facing multi-employer and multi-union situations. MCHCU felt that the option to bargain on an industry-wide basis should be made more explicit in the Act.

Some school division organizations wanted implementation to be on an individual division basis, while others wanted some flexibility for cross-division comparisons. For instance, MAST, MASS and MASBO advocated that each school division should, by definition, be considered a separate establishment; WANTE and MANTE concurred. ASANTE favoured defining establishment in a way that would permit the inclusion of employees across school divisions who perform "certain tasks commmon to all the schools" , thereby avoiding situations of single incumbents and few male comparators. The Assiniboine South Pay Equity Committee saw some potential advantages to defining establishment to include regions of school divisions.

In the municipal sector, the MMAA supported a province-wide definition of municipalities. The IUOE also recommended that one committee be established to implement pay equity in municipalities and that this committee focus on one or two small municipalities and then apply the results to all other municipalities.

Female-Dominated Workplaces

The EPCM, MFL, MCCA and CUPE took the position that universal coverage under the law should be provided to all women in the workforce. They recommended that the definition of establishment be flexible enough to include job matching across establishments. Job matching would involve using the results of pay equity implementation in workplaces where male comparators have been found. As the MCCA pointed out, "existing pay equity models are not effective" for predominantly female occupations such as child care.

If a situation arises where no male comparators (even through job matching) exist for certain female-dominated job classes, the EPCM recommended that the Pay Equity Bureau refer such cases to a Pay Equity Board which would determine mechanisms for achieving pay equity.

A number of the labour and women's organizations recognized that pay equity may not benefit women in predominantly female workplaces and that a range of other policies are also needed. The EPCM and MFL endorsed measures similar to those recommended by the Equal Pay Coalition of Ontario:

1. Increase the minimum wage to 60% of the average industrial wage for Manitoba;
2. Amend the Employment Standards Act to provide the same protection and benefits on a pro rata basis to part-time and casual workers;
3. Implement legislation for mandatory affirmative action;
4. Remove legal obstacles to organizing women into unions such as "implementing anti-scab legislation, and maintaining final offer selection laws . . . and legislation requiring employee lists to be available to unions". The MFL referred to statistics that show that if a female worker is unionized her wages will increase on average 43% ;
5. Provide sufficient funding to community and non-profit agencies (which often rely heavily on government monies) to cover the costs of paying women fairly.

Defining Employee

Manitoba's Pay Equity Act does not provide a definition of employee. As a result, some of the parties that implemented under the Act sought clarification from the Pay Equity Bureau. Most other pay equity legislation in Canada defines "employee."

A number of groups supported the inclusion of a specific definition. MASBO indicated that a definition would be of assistance "given the diverse nature" of employees hired by school divisions. MONA said a definition would " minimize the need to seek interpretations." CUPE pointed out that the issue of who was an "employee" arose in organizations under the Act which are highly unionized, therefore CUPE saw the provision of a definition for less unionized sectors as even more necessary.

Some of the groups, primarily labour and women's groups, that supported defining "employee" wanted it to be flexible and broad enough to include anyone who has an "employment relationship with the employer."

MAST, MASS and MASBO stated that "employee" should be defined to include only permanent full-time and permanent part-time workers. They also felt that pay equity should not apply to teachers because teachers are a gender-balanced class and have already achieved pay equity within their existing pay scale. The Seven Oaks Ad Hoc Advisory Committee on Pay Equity supported a flexible definition of employee as determined case-by-case by policy of the Pay Equity Bureau.

Both MONA and MCHCU took the position that contracting out should be clearly prohibited to avoid non-compliance. A number of private sector employer groups, such as the MFI, predicted that one result of pay equity could be increased contracting out.

Defining Gender Dominance

Under Manitoba's legislation, a job class must have a 70% gender domination level and 10 incumbents in order to be considered female or male-dominated. The Act also includes some flexibility regarding classes of 1-9 incumbents.

Support for maintaining the "10/70" provision was expressed by MAST, MASS and MASBO, all of whom supported the legislation's definition as reasonable, functional and flexible enough to allow the parties to decide for themselves.

Many organizations wanted to see the current definition of gender-dominated job class changed. Most of the concerns centred on the 10 incumbent provision. A number of bargaining agents, including RELTA, WANTE and MANTE predicted that the current definition would be unworkable in school divisions, particularly the smaller ones. CUPE, IUOE and MMAA believed that the existing definition would be equally problematic for the municipal sector, given that most municipalities employ fewer than 10 people in total and each position is usually different. MHO pointed out that very few of the remaining health care facilitites employed enough men to establish a male pay line.

A number of organizations recommended ways in which the definition should be revised. Several suggested that all male and female-dominated classes should be included, regardless of the number of incumbents. Some groups proposed pooling together the various employers in a sector, as a way of having enough incumbents and enough gender-dominated job classes for comparative purposes. The Assiniboine South Pay Equity Committee said the matter had to be resolved either by altering the "10/70" provision or by defining establishment to include regions of school divisions. MACSW called for reducing the dominance level to 60%. MONA stated that legislation should include the historical incumbency of a job class and gender stereotyping as guideposts.

A few groups, such as the City of Winnipeg, IBEW and CAIMAW, took the position that the best way to achieve pay equity was to implement internal equity instead of limiting the process to gender-dominated classes only.

Negotiated Process

Many labour and women's groups expressed support for the "equal role" that labour and management are given within the jointly negotiated process. Some underlined the need for employees to have access to information relevant to the process.

A number of organizations stated that different bargaining units and non-unionized employee representatives in an establishment should negotiate pay equity simultaneously with the employer. The Seven Oaks Ad Hoc Advisory Committee on Pay Equity said this approach fosters understanding and shared responsibility for the outcome.

The MFL said it wanted the negotiated process to continue to apply across bargaining units and groups of non-unionized workers. On the other hand, the City of Winnipeg, which has nine unions, expressed concern that it may be difficult to reach agreement on all elements of the process. It also felt implementing pay equity "across bargaining groups runs contrary to the spirit and practice of collective bargaining."

The EPCM felt pay equity should continue to be negotiated separately from regular collective agreements, so as to keep the process uncluttered by peripheral issues. Other groups agreed and many wanted the negotiated pay equity wage adjustments to become part of any existing collective agreement. While the City of Thompson acknowledged that it might be preferable to keep the two negotiating processes separate, it took the position that pay equity "must be tied into ... or related as part of the cost of collective bargaining settlements during the years of pay equity implementation." The City of Winnipeg shared this concern.

The City of Thompson, the City of Winnipeg and the Town of Selkirk foresaw negative implications for future negotiations as a result of pay equity. The CMA saw pay equity as an "intrusion into the collective bargaining process" in unionized workplaces creating "problems and uncertainty."

MACSW said that non-unionized workers should have the same right and opportunity to participate in the process as unionized workers, particularly in the private sector where most women are not represented by unions. Many organizations stressed that the process for electing employee representatives must be clearly set out in the regulations to ensure that employers do not select the representatives. The MFL recommended that protection for these elected individuals be provided in the legislation. Both the MFL and CUPE stressed the need for employee representatives to receive training on pay equity, the process and, in particular, their role. CUPE wanted greater involvement of the Pay Equity Bureau in this regard.

Determining Value and the Job Evaluation Process

Many labour and women's organizations expressed support for using a single, gender-neutral job evaluation system to cover all employees in an establishment (across bargaining units and including non-unionized), as currently required under the legislation. Several groups also supported basing the job evaluation system on the four criteria outlined in the Act: skill, effort, responsibility and working conditions.

Several groups stressed the importance of applying only one job evaluation system across an organization. MACSW agreed, adding that "multiple systems would increase the risk of continued gender-based occupational segregation."

The CFIB commented that small businesses operate in a more "fluid environment" where tasks can change on a daily basis to meet demands, therefore these jobs may "defy formal description." Many organizations (labour and management) also stressed that they did not currently have the in-house staff or expertise to establish the systems necessary for pay equity implementation.

Another suggestion was that the Pay Equity Bureau should develop several simple job evaluation systems and make these available as options to the parties.

Several private sector employer organizations and some municipalities expressed concerns about using job evaluation systems. First, many felt that job evaluation was unreliable, too subjective and not an exact science. The CFIB stated that there is "no such thing as objective worth analysis," instead the process is "driven by the values of the job rater."

Second, several groups stated that job evaluation and pay equity ignore the forces of the free market. Many agreed with the MCOC that comparable worth "assumes that market forces of supply and demand can be replaced by a government imposed system for determining and enforcing job worth."

The City of Winnipeg took the position that the legislation requires the use of job evaluation tools "without adhering to normally accepted job evaluation principles" whereby any jobs found to be overpaid would have their wages lowered -- which the Act does not permit. The City also indicated that comparisons of gender-dominated job classes should only take place within bargaining units.

Defining Wages

As the discussion paper pointed out, how "wages" or "pay" or "compensation" is defined is fundamental to addressing pay inequities between male and female-dominated job classes. Two definitions of "wages" have evolved across the various jurisdictions in Canada: i) total compensation; and ii) wages and salaries only. Manitoba's pay equity legislation takes a total compensation approach, whereby wages are defined as " . . . any form of remuneration payable or benefit provided . . ."

Most organizations that commented on the definition of "wages" agreed with the total compensation approach. MACSW noted "the necessity of including benefits in pay equity calculations becomes obvious when the situation of women vis-a-vis pensions, part-time work and unionized workplaces is considered." MAST, MASS and MASBO agreed that benefits be included because universal benefit plans do not exist across school divisions.

The MFL also thought that piece work and gratuities should be considered in determining the definition of wages. CAIMAW stated that comparisons between male and female-dominated job classes needed to be made in the base rates "where workers are operating at normal speed and effort." It cautioned that in using a total compensation approach for piece workers, such as in the garment industry, care had to be given so as not to include the higher earnings workers achieved by working late or through their breaks and lunch periods.

The wages and salaries only approach was advocated by the City of Winnipeg "in order to avoid extreme interpretations of what may or may not be considered a benefit, and the difficulties involved in attempting to cost them." The MMAA felt that the inclusion of wages and salaries only would suffice in their sector as benefits for employees in most municipalities are standardized under the Municipal Employee Benefits Board.

Wage Adjustments

Manitoba's legislation states that no employer is required to allocate more than 1% of total payroll each year for a period of no more than four years. As well, no employee's wages or wage schedule can be reduced in order to implement pay equity. Manitoba's Act does not include a definition of "total payroll", however, the Pay Equity Bureau's interpretation has been that since the Act's definition of wages clearly encompasses benefits and, if total payroll is a composite of wages, then total payroll would include benefits.

A cross-section of groups (e.g. labour, women and some school division employer groups) saw the phasing-in of pay equity wage adjustments as a reasonable and, for some, such as the EPCM, a desirable approach. However, they disagreed on both the percentage of monies to be allocated and the length of the phasing-in period.

A number of labour organizations and the EPCM took the position that 1% of total payroll be the minimum annual amount required to be applied to wage adjustments. MCHCU felt that the wage adjustment provisions in the legislation discriminate against workers in the health care industry, which is 90% female-dominated, and expressed concern that at the end of the process, pay equity will not have been achieved because of the "demographics of health care." A number of organizations felt that the legislation should be amended to oblige an employer to implement wage adjustments until pay equity is fully achieved, i.e. the identified wage gap closed.

The MFL, CUPE and the EPCM stated that all adjustments necessary to close the wage gap should be completed within a maximum of four years. WANTE and MANTE suggested an 18 to 24-month period.

MAST expressed support for the current approach in the legislation of: phasing-in adjustments; capping the maximum amount to be allocated each year; and placing a limit on the number of years. However, MAST felt that these provisions were reasonable only if teachers' salaries were not included in the definition of total payroll and if the wage adjustments could not be implemented retroactively.

Several labour groups called for the inclusion of a clear definition of payroll based on "total compensation", i.e. wages and benefits (as was advocated for the definition of "wages"). CUPE added that all employees' salaries should be included in calculating total payroll, regardless of whether their positions were evaluated as part of the pay equity process. WANTE and MANTE agreed. School division employer groups on the other hand, felt that the inclusion of teachers' salaries in "total payroll" would not only be costly, but unfair given that teachers should not be affected by the pay equity process.

The MFL, MCHCU, CUPE, MONA and the EPCM expressed support for the provision prohibiting the lowering of wages or wage schedules to achieve pay equity and wanted an added provision protecting employees from freezing or "red-circling" wages and/or wage schedules. However, the MFI felt strongly that if employers were prohibited from implementing a "required" wage freeze or

decrease, then some firms could well be "legislated out of business by pay equity." The City of Winnipeg also expressed concern about the legislation not permitting the lowering of wages or wage schedules. It pointed out that one of the principles of job evaluation was that jobs found to be overvalued would have their wages adjusted downwards.

Allowable Exceptions

All jurisdictions across Canada that have implemented pay equity have some form of "allowable exceptions". This recognizes both the existence of non-gender-related factors that influence pay rates and the need to factor them into pay practices where relevant. Essentially, two approaches have evolved with regard to allowable exceptions: i) delineating a list of allowable exceptions (e.g. labour skills shortage); and ii) parties can negotiate any exceptions that may apply (as in Manitoba's legislation).

A number of organizations took the position that the influence of other factors on pay may need to be considered. The Seven Oaks Ad Hoc Advisory Committee on Pay Equity supported the more flexible approach as provided for in Manitoba's Act, adding that any exceptions could be resolved by the Pay Equity Bureau to ensure that the "intent of the legislation is achieved."

The City of Winnipeg stated that instead of evaluating and comparing the job classes first and then reviewing whether any exceptions apply, they would like to see some factors subtracted from the wage rate of the relevant job classes prior to the process beginning. The City said this approach would serve to make all parties aware of the ground rules in advance, instead of adjusting the results later.

Many private sector employer groups expressed concern about the implications of the pay equity process ignoring market forces. For instance, the CMA stated that "pay equity does not appear to address the problem of compensation adjustments based on marketplace supply and demand ...[employers will] become afraid to pay premium rates to attract key skills because of a concern that we might upset or impact a pay equity system".

Views of labour and women's groups ranged from not allowing any exceptions to keeping exceptions to "an absolute minimum" and permitting them only if shown to have been applied in a gender-neutral manner. MACSW expressed concern that allowable exceptions, such as supply and demand, could be used to continue historically discriminatory attitudes towards women workers.

Administrative, Monitoring, Enforcement and Maintenance Mechanisms

All jurisdictions with either pro-active or complaint-based models have recognized the need to establish an administrative agency, and in some cases, an adjudicative body as well.

The EPCM and MFL believe that these mechanisms are critical to the credibility, effectiveness and success of the pay equity process. MACSW took the position that an agency with an administrative, monitoring and enforcement role was necessary because "voluntary approaches have been ineffective."

A number of private sector employer organizations expressed concerns about the administrative burden that would result from pay equity. For example, the MFI raised the point that the "patchwork of regulations which will evolve to make the work of the regulators as easy as possible will cause enormous problems for business."

Several groups indicated that they wanted to see the Pay Equity Bureau (and the executive director) continue the administrative and monitoring role. The EPCM wanted the requirement to file pay equity agreements to remain. The City of Winnipeg emphasized the need for the Bureau to expand its facilitation and mediation role. MCHCU and MONA shared the view that additional Bureau staff with mediation and enforcement responsibilities were required. The EPCM and MFL believe that the executive director should maintain the right to request relevant information from the parties and if it is not provided to refer the matter to adjudication.

The EPCM, MFL and CUPE called for expansion of the executive director's powers to include the power to refer agreements that may not meet the terms of the legislation (e.g. job evaluation system is not gender-neutral) back to the parties, thus giving them an opportunity to renegotiate the item(s). This referral would ensure that the process was still a jointly negotiated one. If the parties could not reach agreement, or if their second effort still did not satisfy the Act's requirements, then the matter would be referred (by the parties or the Bureau) to an adjudicative body for a decision. The fundamental principle underlying this recommendation, the MFL explained, "is that while a jointly bargained process is central to the Act, the agreement settled upon cannot contravene the Act."

With regard to dispute resolution mechanisms, the Seven Oaks Ad Hoc Advisory Committee on Pay Equity suggested that the government, in conjunction with interested parties, could develop a list of candidates from which an arbitrator could be selected. MCHCU and MONA favoured the creation of "dispute resolution tribunal within the framework" of the Pay Equity Bureau.

Other organizations stated that they did not want the Manitoba Labour Board to serve as the dispute resolution body for pay equity issues. Two reasons were given: i) the Board is "already busy ... and under-resourced" and ii) the adjudicative agency needs specialized knowledge in pay equity issues. Some groups recommended alternative mechanisms. For instance, CUPE supported establishing a separate body similar to Ontario's Pay Equity Hearings Tribunal.

Several organizations said it was important to include provisions to ensure that pay equity adjustments were not eroded over time. The MFL and CUPE suggested that employers be required to file reports with the Bureau every two years and if gender-bias had returned to their compensation practices, the matter would be referred back to the parties to address. The EPCM and MFL thought it might be appropriate to use a complaint mechanism to assist in maintaining pay equity.

Regulations

Although all pro-active legislation in Canada provides for regulations on a range of issues, none have been enacted to date. Instead, several jurisdictions have issued guidelines to assist the parties.

In the fall of 1986, Manitoba distributed guidelines regarding: bargaining agents being consulted on the designation of pay equity officers; a process for notifying non-unionized employees of their right to representation, while leaving the election process up to the parties; and the inclusion of predominantly male and predominantly female job classes with 1-9 incumbents.

Some groups indicated that they now favoured legislation on some issues on which they had previously wanted regulations. However, the MFL, EPCM and CUPE agreed that the process for electing "employee representatives" to represent non-unionized workers still required regulations. CUPE felt that such regulations were even more critical as pay equity was extended to less unionized sectors.

The concerns raised by many private sector employer organizations regarding regulations were similar to their broader concerns about pay equity, including stifling "free choice" and inhibiting management rights, as articulated by the MFI.

Costs and Benefits

No one denied that the implementation of pay equity brings with it costs. The extent to which these implications are viewed as negative or positive varied among the organizations that responded.

Business Community

The WCOC reflected the concerns of a number of private sector employer organizations when it stated that pay equity could "pose a serious threat to the stability and growth of the Manitoba economy." The MFI pointed out that it could make the province "an expensive and difficult place for business to operate." The CFIB saw pay equity as "[an] expensive type of payroll tax."

The WCOC felt that pay equity legislation would make companies uncompetitive and this would ultimately hurt female workers. Some organizations saw negative implications stemming from the legislation's prohibition of lowering wages in order to acheive pay equity. The MFI commented that when "ability to pay is ignored, it becomes impossible to forecast the survival of individual firms."

The CMA was one of several groups that expressed concern about the heavy administrative burden that would result for companies if they were required to implement pay equity. The CFIB pointed out that many firms do not have job descriptions, evaluation systems, nor do they have specialized staff or personnel departments.

The WCOC thought that legislating pay equity would be a "waste of taxpayers' money." The CFIB stated concern about the "opportunity costs" of all the resources allocated to address 5-10 cents of a 36 cents wage gap "which may be due to discrimination." The MFI concluded that the "costs [of pay equity] far exceed [the] gains, especially when the problem is slowly solving itself as attitudes change and market forces bring pressures to bear."

Labour and Women's Communities

The EPCM stated that the benefits that would accrue to employers and to Manitoba families "far outweigh the costs of implementation and adjustments." The MFL agreed, citing the following advantages for employers: improved personnel systems with the establishment or refinement of job descriptions and compensation approaches; better morale and reduced turnover resulting in lower recruitment and training costs; enhanced productivity leading to increased profitability; and increased payroll stimulating consumer spending. In terms of benefits to communities and the economy in general the MFL felt that the higher payroll would expand the tax base and contribute to stabilizing businesses, particularly in rural and northern areas. MACSW added to this a reduced need for income supplement programs.

MACSW also stated that "wage inequities based on gender should never be justified as economically necessary."

Broader Public Sector and Non-Profit Agencies

Employer and employee groups in the school division and municipal sectors, as well as other non-profit groups indicated their existing resources were not sufficient to implement pay equity.

Consequently, most organizations thought they would need external assistance from either a consulting firm to provide a job evaluation system and technical guidance; the Pay Equity Bureau; and/or a pay equity officer. Many of them, especially some of the smaller employee associations, indicated they did not have the financial resources to secure such assistance. Several groups mentioned that these circumstances and concerns would be equally true for small businesses.

The City of Brandon indicated that most of its revenue was derived from local taxes. Since pay equity wage adjustment costs are to be separate from the regular bargaining process and "without any subsidy from the Province to offset these costs," Brandon would have to consider alternatives such as increased taxes, the "reduction or deletion of programs and services, or contracting out." The City of Winnipeg expressed similar concerns about costs. The Town of Selkirk thought that a community of its size could not bear the "brunt of the considerable cost and effort involved."

The City of Thompson did not believe that higher family incomes would reduce dependence on government and increase the tax base. Instead, it saw pay equity implementation adding to local taxpayers' costs and would "only add to the tax base of the federal and provincial governments."

MASBO, MASS and MAST also pointed out that approximately 25% of school divisions' revenue is raised locally, therefore without sufficient government funding the burden would fall on local taxpayers through higher taxes or reduced educational services. The Seven Oaks Ad Hoc Advisory Committee on Pay Equity felt that despite some reduction in monies for educational services due to pay equity costs, this would be offset by benefits to the economy, their employees and their school board.

Government Assistance

The issue of funding was of major concern to many. In the health care sector MCHCU and SEIU called for full and sufficient funding of pay equity. MHO added that the proposed administrative solution would require minimal additional administrative funding. The MCCA wanted to see the establishment and funding of a province-wide salary scale for child care workers. And the YM-YWCA indicated that it and other non-profit sector groups might need financial support to cover the cost of implementing any pay equity wage adjustments that may result.

The City of Winnipeg indicated it would need a $16 million grant from the province to cover the anticipated wage adjustment costs. The City of Brandon referred to a subsidy from the provincial government to offset costs. At its 1989 annual convention, MAST passed a resolution that the provincial government "fund all costs associated with the implementation of pay equity legislation in the public education system".

A number of organizations also specified they would need provincial funding to hire a consultant and a pay equity officer, as well as to purchase a job evaluation system. Both employer and employee groups in school divisions felt that a job evaluation system and a pay equity officer could be shared on a regional or province-wide basis.

Many groups commented that the Pay Equity Bureau should have sufficient resources to support the parties' implementation efforts, including the development of one or more simple gender-neutral "systems of comparison". Some, such as WANTE and MANTE, emphasized the need for province-wide training of employees and employers. Others added that the Bureau should provide training for pay equity officers. Organizations such as MASS, MAST, City of Winnipeg and RELTA stressed the importance of an educational program as a first step in ensuring successful implementation. Many saw these services as especially critical for smaller organizations, regardless of sector.

MANITOBA
PAY EQUITY CONSULTATIONS

Listing of Participants

Pay Equity
Consultation Participants by Sector

	Attended Consultation Meetings	Submitted Written Response
SCHOOL DIVISIONS		
Employer Representatives		
The Manitoba Association of School Trustees	Eric Jonasson Gail Curry Shirley Loewen	*
Manitoba Association of School Superintendents Inc.	Gordon Newton Howard Holtman Larry McCrady	*
Manitoba Association of School Business Officials Inc.	Rick Gales Felicity Chappell	*
Manitoba Federation of Independent Schools Inc.	Erwin Strempler John Doornbos	*
Ad Hoc Advisory Committee on Pay Equity Seven Oaks School Division No. 10	Judy Silver John R. Wiens Claire Walker	*
Pay Equity Committee The Assiniboine South School Division No. 3	Myrtle Zimmerman Peter Gordon Wendy Moroz	*
Employee Representatives		
Assiniboine South Association of Non-Teaching Employees	Marg Williams	*
Canadian Union of Public Employees	Lorraine Sigurdson June Ross Sandra Oakley	*
Fort Garry School Division No. 5 Library Technicians' Association		

	Attended Consultation Meetings	Submitted Written Response
Interlake School Division No. 21 Bus Drivers' Association		
International Brotherhood of Electrical Workers		
Lord Selkirk School Division No.11 Board Office Staff Association	Denise Wendl Laurel Peterson	•
Lord Selkirk School Division No. 11 Bus Drivers' Association		
Manitoba Association of Non-Teaching Employees	Bonnie Brown Doreen Cummings	•
Manitoba Food and Commercial Workers, United Food and Commercial Workers Local 832		
Manitoba Government Employees' Association, Institutional Employees' Union Component	Bill Comstock	
Manitoba Teachers' Society	Carole Basarab Tom Ulrich	
River East School Division No. 9 Library Technicians' Association	Bev Forytarz Sharon Foster	•
The River East School Division No. 9 Paraprofessional Association	Irmgard Doerksen Sharon Shewel Marguerite J. Wenden	•
Seven Oaks School Division No. 10 Paraprofessional Association		•
Transcona-Springfield School Division No. 12 Bus Drivers' Association		
United Association of Journeymen and Apprentices of Plumbing and Pipefitting Industry of the United States and Canada		

	Attended Consultation Meetings	Submitted Written Response
United Brotherhood of Carpenters and Joiners of America		
United Steelworkers of America	Dan Will Eugene Laye	
Winnipeg Association of Non-Teaching Employees	Ruth Moskal Pat Bell	*

MUNICIPALITIES

Employer Representatives

Manitoba Association of Urban Municipalities	R.S. "Bud" Oliver	
Union of Manitoba Municipalities		
Northern Association of Community Councils	Lena Friesen	
City of Winnipeg	David Laird	*
City of Brandon	Rick Boyd	*
City of Thompson		*
City of Portage la Prairie		
City of Flin Flon		
Town of Selkirk	R.S. "Bud" Oliver Dawn MacFarlane	*
Town of The Pas		
Town of Dauphin		
Town of Steinbach		
Town of Leaf Rapids		

	Attended Consultation Meetings	Submitted Written Response
R.M. of St. Clements		
L.G.D. of Churchill		
Employee Representatives		
Amalgamated Transit Union		
Brandon Police Association		
Canadian Paperworkers' Union		
Canadian Union of Public Employees	Lorraine Sigurdson Maureen Miller Charles Carlson Bob Malazdrewich	*
International Association of Machinists and Aerospace Workers	Ross Alcock	
International Brotherhood of Electrical Workers	Rick Ehlers Herb Futon	*
International Union of Operating Engineers	Jim Murphy	*
Manitoba Professional Fire Fighters' Association	William Laird	
Manitoba Food and Commercial Workers, United Food and Commercial Workers Local 832		
Manitoba Municipal Administrators' Association		*
Manitoba Organization of Nurses' Associations and Winnipeg Civic Nurses' Association MONA Local 1*	Vera Chernecki Irene Giesbrecht Wes Hosler	*

*now known as the Manitoba Nurses' Union

	Attended Consultation Meetings	Submitted Written Response
Service Employees' International Union		*
United Steelworkers of America	Dan Will Eugene Laye	
Winnipeg Association of Public Service Officers	Lorraine Sebastian	
Winnipeg Police Association		
Winnipeg Police Senior Officers' Association		
HEALTH CARE FACILITIES		
Employer Representatives		
Manitoba Health Organizations Incorporated	Myron Musick Doug Machan Maureen Kilgour	*
Nursing Homes Association of Manitoba		
Women's Health Clinic		*
Employee Representatives		
Manitoba Council of Health Care Unions including the following members:	Irene Giesbrecht	*
Manitoba Government Employees' Association, Institutional Employees' Union Component	Bill Comstock	
Manitoba Association of Health Care Professionals	Ken Swan	
Canadian Union of Public Employees	Lorraine Sigurdson	*

	Attended Consultation Meetings	Submitted Written Response
PRIVATE SECTOR		
Employer Representatives		
I. Umbrella Employer Groups		
Canadian Federation of Independent Business	Garth Whyte	*
The Canadian Manufacturers' Association/ Manitoba Division	Mary-Ann Gibson Susan Onoferson	*
The Manitoba Chamber of Commerce	Brian Kelly Brenda Bourbonnais	*
Manitoba Institute of Management Inc.		
The Winnipeg Chamber of Commerce	Darlene Hildebrand	*
II. Sectoral Employer Groups		
Construction Labour Relations Association of Manitoba		
Electronics Industry Association of Manitoba		
The Insurance Institute of Manitoba	Dennis Emond	*
Manitoba Community Newspapers' Association		
Manitoba Dairy Association		
Manitoba Fashion Institute Inc.	Ray Winston Carol Johnson	*
Manitoba Feed Industry Association		
Manitoba Food Brokers' Association	Keith Ballance Bryce Cribbs	
Manitoba Frozen Food Council		

	Attended Consultation Meetings	Submitted Written Response
Manitoba Forestry Association Inc.		
Manitoba Heavy Construction Association Inc.	Dick Mulder	*
Manitoba Home Builders' Association		
Manitoba Hotel Association	John D. Read Stephen Webb	*
Manitoba Restaurant and Food Services Association	Denis Smith	
Manitoba Trucking Association		*
The Mining Association of Manitoba Inc.	Winston Newman	*
Prairie Implement Manufacturers' Association	Raymond M. Yee	
Retail Merchants' Association of Canada (Manitoba) Inc.		
Winnipeg Brewmasters' Association		
The Winnipeg Construction Association Inc.		
Employee Representatives		
Canadian Labour Congress		
Confederation of Canadian Unions including the following affiliate:	Pat McEvoy	
Canadian Association of Industrial Mechanical & Allied Workers	Susan Spratt Cecile Cassista Pat McEvoy	*
Manitoba Federation of Labour including the following affiliates:	Wilf Hudson Susan Hart-Kulbaba	*
Amalgamated Clothing and Textile Workers' Union	Karen L. Graham Mike Radchenka	

	Attended Consultation Meetings	Submitted Written Response
Canadian Union of Public Employees	Lorraine Sigurdson	*
Communication and Electrical Workers of Canada	Howie Raper	
Manitoba Food and Commercial Workers' Union, United Food and Commercial Workers Local 832	Robert D. Ziegler	
Manitoba Government Employees' Association	John S. Pullen	
Retail Wholesale and Department Store Union	Dave Hiscos	
Manitoba Provincial Council of Labour, Canadian Federation of Labour	George Smith John Peterson	
Winnipeg Building and Construction Trades Council		

WOMEN'S ORGANIZATIONS

Manitoba Women's Institute		
Manitoba Advisory Council on the Status of Women	Michele Pujol Dorothea Hudec	*
The Charter of Rights Coalition (Manitoba)		*
Consulting Committee on the Status of Women with Disabilities, Women's Caucus		
Immigrant Women's Association of Manitoba		
Indigenous Women's Collective	Carolyn Moar	
Legal Education & Action Fund		

	Attended Consultation Meetings	Submitted Written Response
Manitobans for Quality Child Care	Julie Kucey Vickie Shane	
Manitoba Farm Women's Network		
Equal Pay Coalition of Manitoba (The organizations listed below are either formally affiliated with or interested parties within the Coalition):	Susan Hart-Kulbaba	•
Altrusa Club of Winnipeg		
Birdtail Women for Action		
Business & Professional Women's Club of Manitoba		
Fort Garry Women's Resource Centre		
Manitoba Action Committee on the Status of Women	Carolyn Garlich	
Manitoba Advisory Council on the Status of Women		•
Manitoba Association of Home Economists		
Manitoba Association of Social Work		
Manitoba Association of Women & The Law		
Manitoba Child Care Association	Dorothy Dudek	•
Manitoba Federation of Labour Women's Committee	Mary Sabovitch	
Provincial Council of Women of Manitoba	Joan Butcher	
Reseau		

	Attended Consultation Meetings	Submitted Written Response
Young Women's Christian Association (YM-YWCA)	Dorothy Mueller	*
Canadian Brotherhood of Railway, Transport & General Workers, Local 209		
Canadian Union of Public Employees Local 500		
Canadian Union of Public Employees Local 1550		
Canadian Union of Public Employees Manitoba Division	Lorraine Sigurdson	*
Communication Workers of Canada, Local 7		
Manitoba Federation of Labour		*
Manitoba Food and Commercial Workers Union, United Food and Commercial Workers Local 832		
HUMAN RESOURCE PRACTITIONERS		
Canadian Public Personnel Management Association		
Human Resource Management Association of Manitoba		*